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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,443	08/05/2003	Neil G. Sellars	98-40145-US-D1	8289
7590	05/05/2004		EXAMINER CHAN, SING P	
Louis M. Heidelberger Reed Smith LLP 2500 One Liberty Place 1650 Market Street Philadelphia, PA 19103-7301			ART UNIT 1734	PAPER NUMBER
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,443

Applicant(s)

SELLARS, NEIL G.

Examiner

Sing P Chan

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/03/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The disclosure includes some misspelling and typo such as on Page 6, line 4, the disclosure recites "II 0," which should be 110; on page 6, line 10, " each label has general areal dimensions," which is unclear as to what is "areal;" on Page 12, line 21, "oflabel51 0;" on Page 16, lines 9 and 10, "F or;" on Page 16, line 20, "steps. shown;" on Page 5, line 5, "~o;" on Page 19, line 2, "with . pressure;" on Page 19, line 21, "steps, In;" on Page 19, line 23, "material80S."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 8, 12, 25, and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "said release" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 7, it is unclear what is meant by "said release." For the purpose of examination, "release liner" will be assumed.

Claim 12 recites the limitation "said second portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 12 recites the limitation "said first portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "said parts" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 47 recites the limitation "said parts" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-8, 39-42, 48, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Holden-Banks (GB 2,311,273).

Regarding claims 1 and 39, Holden-Banks discloses a method of forming a wrap around label. The label includes two portions (Figures 2, 5, 11, and 12) with a combined length that is greater than the circumference of the container, coating the adhesive to the contact surface of the label to the container, wherein the adhesive is considered to be pressure sensitive adhesive, printing ink onto the underside adhesive face, and printing the opposite face of the label without the adhesive coating. (Page 4, lines 1-15 and Page 12, lines 1-27)

Regarding claim 4, Holden-Banks discloses a label with a first edge having different length than the second edge and they are at an oblique angle relative to each other. (Page 17, line 28 to Page 18, line 23 and Figures 10-12)

Regarding claims 6 and 41, Holden-Banks discloses printing a coating over the printed matter to form a thin film of release agent, which is considered to be a protective material. (Page 12, lines 21-23)

Regarding claims 7 and 8, Holden-Banks discloses applying the adhesive to a backing sheet with release coating, die cutting, trimming the waste from the labels, and winding up the labels on a bobbins, i.e. roll. (Page 12, lines 11-26)

Regarding claims 5, 40, and 42, Holden-Banks discloses applying a coating of release material such as Emiflex to the adhesive to deadening an adhesive region to form a releasable adhesive to allow delamination of the label material and prevent permanent bonding. (Page 6, lines 17-32 and Page 8, lines 6-15)

Regarding claims 48 and 49, Holden-Banks discloses the label includes semi-cuts or perforations to allow separation of the part of the label from the other part of the label. (Page 4, lines 3-11)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) as applied to claims 1 and 39 above, and further in view of Kaufmann (U.S. 5,264,265).

Regarding claims 2, 43, 45, and 46, Holden-Banks as disclosed above is silent as to the label includes a tab and a recessed edge to facilitating detaching and reattaching the label. However, providing a tab and a recessed edge on a multilayer label is well known and conventional as shown for example by Kaufmann. Kaufmann discloses a method of forming a peel-back re-sealable multiply label. The label includes a tab and a recess edge on the bottom label to allow reattaching the label. (Col 2, lines 40-52 and Figure 1)

It would have been obvious to one skilled in the art at the time the invention was made to provide a tab and a recessed edge as disclosed by Kaufmann in the method of Holden-Banks to provide a simple and easy means for detaching and reattaching the label.

Regarding claim 44, Holden-Banks discloses applying the release coating to the adhesive to a strip of adhesive to deaden the adhesive to form a liftable tab, (Page 5, line 28 to Page 6, line 2) but is silent as to completely deaden the adhesive at the tab. However, Kaufmann discloses the lift tab has no tacky adhesive on the underside (Col 2, lines 48-50) and one in the art reading Holden-Banks and Kaufmann would appreciate wherein there is adhesive on the underside of the lift tab to logically completely deaden the adhesive to allow easy lifting of the tab into a grabble position.

It would have been obvious to one skilled in the art at the time the invention was made to logically completely deaden the adhesive on the underside of the liftable tab in the method of Holden-Banks to allow easy lifting of the tab into a grabble position.

8. Claims 3 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) as applied to claims 1 and 49 above, and further in view of Key (U.S. 6,385,878).

Holden-Banks as disclosed above does not disclose the label includes means for evidencing potential tampering. However, providing label with means for evidencing potential tampering is well known and conventional as shown for example by Key. Key discloses a rotatable label with tamper-evident feature. The label includes horizontal perforation, which divides the sheet into tamper-evident portion and label portion. (Col 9, lines 4-18)

It would have been obvious to one skilled in the art at the time the invention was made to provide a means for tamper-evident portion and label portion as disclosed by Key in the method of Holden-Banks to allow the label to show tampering easily and allow the consumer to easily avoid any contaminated products.

9. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Kaufmann (U.S. 5,264,265) as applied to claim 46 above, and further in view of Key (U.S. 6,385,878).

Holden-Banks as disclosed above does not disclose the label includes means for evidencing potential tampering. However, providing label with means for evidencing potential tampering is well known and conventional as shown for example by Key. Key

discloses a rotatable label with tamper-evident feature. The label includes horizontal perforation, which divides the sheet into tamper-evident portion and label portion. (Col 9, lines 4-18)

It would have been obvious to one skilled in the art at the time the invention was made to provide a means for tamper-evident portion and label portion as disclosed by Key in the method of Holden-Banks to allow the label to show tampering easily and allow the consumer to easily avoid any contaminated products.

10. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Key (U.S. 6,385,878) as applied to claim 50 above, and further in view of Kaufmann (U.S. 5,264,265).

Holden-Banks as disclosed above is silent as to the label includes a recessed edge to facilitating detaching and reattaching the label. However, providing a recessed edge on a multilayer label is well known and conventional as shown for example by Kaufmann. Kaufmann discloses a method of forming a peel-back re-sealable multiply label. The label includes a recess edge on the bottom label to allow easy lifting and grasping for detaching and reattaching the label. (Col 2, lines 40-52 and Figure 1)

It would have been obvious to one skilled in the art at the time the invention was made to provide a tab and a recessed edge as disclosed by Kaufmann in the method of Holden-Banks to provide a simple and easy means for detaching and reattaching the label.

11. Claims 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Sakashita (U.S. 5,720,499).

Regarding claim 9, Holden-Banks discloses a method of forming a wrap around label. The label includes two portions (Figures 2, 5, 11, and 12) with a combined length that is greater than the circumference of the container, coating the adhesive to the contact surface of the label to the container, wherein the adhesive is considered to be pressure sensitive adhesive, printing ink onto the underside adhesive face, and applying a backing sheet with release agent to the printed and coated adhesive coating. (Page 4, lines 1-15, Page 9, lines 1-2, and Page 12, lines 1-27) Holden-Banks is silent as to the label material includes a release backing coving the adhesive and peeling the release backing to prior to applying the printing to the adhesive. Providing a release backing sheet covering the adhesive and peeling the backing prior to printing ink onto the adhesive is well known and conventional as shown for example by Sakashita. Sakashita discloses a method of print on an adhesive label. The method includes providing a release sheet covering the adhesive on the label, peeling the release sheet from the adhesive area to be printed, printing ink to the adhesive of the area with the release sheet has been removed. (Col 4, lines 43-64)

It would have been obvious to one skilled in the art at the time the invention was made to provide a release backing sheet covering the adhesive on the label, peeling the release sheet prior to printing ink onto the adhesive layer, and reapplying the release sheet after printing to allow easier handling of the label material as disclosed by Sakashita in the method of Holden-Banks to allow the blank label substrate with release sheet to be pre-make, which allow easy handling through the printing and coating process without damaging the adhesive or reducing the adhesion of the adhesive.

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Regarding claim 10, Holden-Banks discloses applying a coating of release material such as Emiflex to the adhesive to deadening an adhesive region to form a releasable adhesive to allow delamination of the label material and prevent permanent bonding. (Page 6, lines 17-32 and Page 8, lines 6-15)

Regarding claim 11, Holden-Banks discloses printing a coating over the printed matter to form a thin film of release agent, which is considered to be a protective material. (Page 12, lines 21-23)

Regarding claim 14, Holden-Banks discloses a label with a first edge having different length than the second edge and they are at an oblique angle relative to each other. (Page 17, line 28 to Page 18, line 23 and Figures 10-12)

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Sakashita (U.S. 5,720,499) as applied to claim 9 above, and further in view of Kaufmann (U.S. 5,264,265).

Holden-Banks as disclosed above is silent as to the label includes a tab and a recessed edge to facilitating detaching and reattaching the label. However, providing a tab and a recessed edge on a multilayer label is well known and conventional as shown for example by Kaufmann. Kaufmann discloses a method of forming a peel-back re-sealable multiply label. The label includes a tab and a recess edge on the bottom label to allow reattaching the label. (Col 2, lines 40-52 and Figure 1)

It would have been obvious to one skilled in the art at the time the invention was made to provide a tab and a recessed edge as disclosed by Kaufmann in the method of

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Holden-Banks to provide a simple and easy means for detaching and reattaching the label.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Sakashita (U.S. 5,720,499) as applied to claim 9 above, and further in view of Key (U.S. 6,385,878).

Holden-Banks as disclosed above does not disclose the label includes means for evidencing potential tampering. However, providing label with means for evidencing potential tampering is well known and conventional as shown for example by Key. Key discloses a rotatable label with tamper-evident feature. The label includes horizontal perforation, which divides the sheet into tamper-evident portion and label portion. (Col 9, lines 4-18)

It would have been obvious to one skilled in the art at the time the invention was made to provide a means for tamper-evident portion and label portion as disclosed by Key in the method of Holden-Banks to allow the label to show tampering easily and allow the consumer to easily avoid any contaminated products.

14. Claims 15-22, 24, 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Kaufmann (U.S. 5,264,265).

Regarding claims 15, 16, 24, and 26, Holden-Banks discloses a method of forming a wrap around label. The label includes two portions (Figures 2, 5, 11, and 12) with a combined length that is greater than the circumference of the container and the width of the label, coating the adhesive to the contact surface of the label to the container, wherein the adhesive is considered to be pressure sensitive adhesive,

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printing ink onto the underside adhesive face, and printing the opposite face of the label without the adhesive coating. (Page 4, lines 1-15 and Page 12, lines 1-27) Holden-Banks is silent as to the label includes a protruding tab and a recessed edge to facilitating detaching and reattaching the label. However, providing a protruding tab and a recessed edge on a multilayer label is well known and conventional as shown for example by Kaufmann. Kaufmann discloses a method of forming a peel-back re-sealable multiply label. The label includes a tab and a recess edge on the bottom label to allow reattaching the label. (Col 2, lines 40-52 and Figure 1)

It would have been obvious to one skilled in the art at the time the invention was made to provide a tab and a recessed edge as disclosed by Kaufmann in the method of Holden-Banks to provide a simple and easy means for detaching and reattaching the label.

Regarding claims 17, 19, 27, and 29, Holden-Banks discloses applying a coating of release material such as Emiflex to the adhesive to deadening an adhesive region to form a releasable adhesive to allow delamination of the label material and prevent permanent bonding. (Page 6, lines 17-32 and Page 8, lines 6-15)

Regarding claims 18 and 28, Holden-Banks discloses printing a coating over the printed matter to form a thin film of release agent, which is considered to be a protective material. (Page 12, lines 21-23)

Regarding claim 20, Holden-Banks discloses applying the release coating to the adhesive to a strip of adhesive to deaden the adhesive to form a liftable tab, (Page 5, line 28 to Page 6, line 2) but is silent as to completely deaden the adhesive at the tab.

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However, Kaufmann discloses the lift tab has no tacky adhesive on the underside (Col 2, lines 48-50) and one in the art reading Holden-Banks and Kaufmann would appreciate wherein there is adhesive on the underside of the lift tab to logically completely deaden the adhesive to allow easy lifting of the tab into a grabble position.

It would have been obvious to one skilled in the art at the time the invention was made to logically completely deaden the adhesive on the underside of the liftable tab in the method of Holden-Banks to allow easy lifting of the tab into a grabble position.

Regarding claims 21, 22, 30, and 31, Holden-Banks discloses the label includes semi-cuts or perforations to allow separation of the part of the label from the other part of the label. (Page 4, lines 3-11)

15. Claims 23, 25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Kaufmann (U.S. 5,264,265) as applied to claims 15 and 26 above, and further in view of Key (U.S. 6,385,878).

Holden-Banks as disclosed above does not disclose the label includes means for evidencing potential tampering. However, providing label with means for evidencing potential tampering is well known and conventional as shown for example by Key. Key discloses a rotatable label with tamper-evident feature. The label includes horizontal perforation, which divides the sheet into tamper-evident portion and label portion. (Col 9, lines 4-18)

It would have been obvious to one skilled in the art at the time the invention was made to provide a means for tamper-evident portion and label portion as disclosed by

Key in the method of Holden-Banks to allow the label to show tampering easily and allow the consumer to easily avoid any contaminated products.

16. Claims 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Key (U.S. 6,385,878).

Regarding claim 33, Holden-Banks discloses a method of forming a wrap around label. The label includes two portions (Figures 2, 5, 11, and 12) with a combined length that is greater than the circumference of the container, coating the adhesive to the contact surface of the label to the container, wherein the adhesive is considered to be pressure sensitive adhesive, printing ink onto the underside adhesive face, and printing the opposite face of the label without the adhesive coating. (Page 4, lines 1-15 and Page 12, lines 1-27) Holden-Banks does not disclose the label includes means for evidencing potential tampering. However, providing label with means for evidencing potential tampering is well known and conventional as shown for example by Key. Key discloses a rotatable label with tamper-evident feature. The label includes horizontal perforation, which divides the sheet into tamper-evident portion and label portion. (Col 9, lines 4-18)

It would have been obvious to one skilled in the art at the time the invention was made to provide a means for tamper-evident portion and label portion as disclosed by Key in the method of Holden-Banks to allow the label to show tampering easily and allow the consumer to easily avoid any contaminated products.

Regarding claims 34 and 36, Holden-Banks discloses applying a coating of release material such as Emiflex to the adhesive to deadening an adhesive region to

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form a releasable adhesive to allow delamination of the label material and prevent permanent bonding. (Page 6, lines 17-32 and Page 8, lines 6-15)

Regarding claim 35, Holden-Banks discloses printing a coating over the printed matter to form a thin film of release agent, which is considered to be a protective material. (Page 12, lines 21-23)

Regarding claims 37 and 38, Holden-Banks discloses the label includes semi-cuts or perforations to allow separation of the part of the label from the other part of the label. (Page 4, lines 3-11)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Friday 7:30AM-11:15AM and 12:15PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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